

**REMARKS**

This is in response to the non-final Official Action currently outstanding with regard to the present application.

Claims 1-27 were pending in this application at the time of the issuance of the currently outstanding Official Action. Applicants respectfully request the entry of the foregoing Amendment of Claims 1 and 16 so as to place those claims, and the claims directly or indirectly dependent thereon, in condition for allowance. Claims 2 and 10-15 are canceled by the foregoing Amendment, without prejudice. Further, no claims have been either withdrawn or added. Accordingly, upon the entry of the foregoing Amendment, Claims 1, 3-9, and 16-27 as amended above will constitute the claims under active prosecution in this application.

The claims of this application are reproduced above including appropriate status identifiers and showing the changes made as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Indicated the drawings filed as part of this application on 5 March 2001 are accepted;
3. Acknowledged his consideration of the Information Disclosure Statement filed in this application on 8 April 2005 by providing the Applicants with a copy of the Form PTO-1449 that accompanied that Statement duly signed, dated and initialed to confirm the consideration of the art listed therein;

4. Indicated that Claims 22-27 stand allowed.
5. Objected to Claims 1-27 under 37 CFR 1.175(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Rejected Claims 10-15 under 35 USC 102(e) as being anticipated by Morimoto (US Patent No. 6,226,257).

No further comment regarding items 1- 4 above is deemed to be required in these Remarks.

With respect to item 5, Applicants by the foregoing Amendment have amended the phrase “whereby said optical beam may be caused to track said pit string” at lines 15-16 of Claim 1 as it appeared in the next previous Amendment to the present Amendment so as to read -- for controlling said optical beam to track said pit string --. In addition, the words “will be” appearing at line 16 of Claim 16 as it appeared in the next previous Amendment to the present Amendment to read -- is --. Since the above amendments were suggested by the Examiner in the currently outstanding Official Action, the Examiner’s objections to Claims 1-9 and 16-21 under 37 CFR 1.75(a) are believed to be overcome by the foregoing Amendment.

Claims 10-15 are canceled, without prejudice, by the foregoing Amendment thereby rendering the rejection summarized in item 6 above moot.

Accordingly, since the Examiner has indicated that Claim 2 would be allowable if presented in independent form including all of the limitations of its base claim and any intervening claims and Claim 1 has been amended hereinabove so as to include all of the limitations of Claim 2 (Claim 2 being canceled, without prejudice), Applicants respectfully submit that Claims 1 and 3-9 now are in condition for allowance.


Further, since the Examiner has indicated that Claims 16-21 would be allowable if his objections to Claim 16 under 37 CFR 1.75(a) were overcome and Applicants have adopted of the Examiner's suggested wording for Claim 16 in the foregoing Amendment, Applicants respectfully submit that claims 16-21 now are in condition for allowance.

For each and all of the foregoing reasons, entry of the foregoing Amendment, reconsideration and allowance of all of the claims present in this application after the entry of the foregoing Amendment (namely Claims 1, 2-9 and 16-27) in response to this communication are respectfully requested.

Applicant also believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: January 23, 2006

  
SIGNATURE OF PRACTITIONER

Reg. No.: 27,840

David A. Tucker  
(type or print name of practitioner)  
Attorney for Applicant(s)

Tel. No. (617) 517-5508

Edwards Angell Palmer & Dodge LLP  
P.O. Box 55874  
P.O. Address

Customer No.: 21874

Boston, MA 02205